

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACHARY ADAM FOSTER,

Defendant.

CASE NO. CR10-0300-JCC

ORDER

This matter comes before the Court on the Government's motion to seal (Dkt. No. 70). For the reasons described below, the Government's motion is GRANTED.

The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe Newspaper Co. v. Super. Ct. for Norfolk Cnty.*, 457 U.S. 596, 606 (1982). The public also has a common law right to inspect and copy public records, including those from judicial proceedings. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

The Government seeks to maintain under seal certain medical records attached as Exhibit B to its Supplement to Disposition Memorandum (Dkt. No. 71). The Court has reviewed the

1 documents at issue and finds that sealing them would serve a compelling interest which is likely
2 to be harmed absent sealing for which there are no less restrictive measures available.

3 Accordingly, the Court GRANTS the Government's motion (Dkt. No. 70). Exhibit B to
4 Government's Supplement to Disposition Memorandum (Dkt. No. 71) will remain under seal
5 pending further order of the Court.

6 DATED this 11th day of February 2022.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE